

Appl No. 09/814044**PATENT**
IBM Docket No. RAL920000083US1**REMARKS**

This amendment is in response to the Office Action mailed July 30, 2004.

Claims 4, 6 and 7-11 are objected to based upon informalities set forth under 2. of the Office Action. The objections are corrected based upon suggestions --made under 2. -- by the Examiner. As a consequence, claims 7-11 are now in a condition for allowance and will not be addressed further in this document.

Regarding the specification, the Examiner raised objection under 1. of the Office Action. In response, the specification is corrected based upon suggestions made by the Examiner.

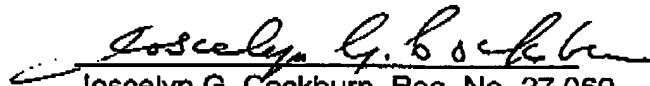
Claims 1-6 are rejected under 35 USC 102(b) as being anticipated by Edem U.S. Patent Number 5,805,597. The Edem patent describes an ethernet local area network (LAN) in which a station may transmit in a full power communication mode and a low power communication mode. To utilize a low power communication mode the two network end points would negotiate to communicate using the low power protocol when there was no or little communication traffic between the two end points (col. 8, line 65 - col. 9, line 6). In contrast, in applicants' claimed invention switching to the low power frame is only based upon a transmitter having no data to send and not on negotiations between end points as is required by the reference. With DSL technology the end points do not negotiate as to which protocol to use. We believe that this difference clearly distinguishes the claimed invention from the cited reference. As a consequence claims 1 and 4 are amended to include this distinction. It is settled law that in order for a reference to anticipate the claims of an application every element, operation and function of the claimed invention must be

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suggested in a single reference. It is applicants' contention that by amending the claim as set forth above the claimed invention is clearly distinguishable and not anticipated by the cited reference.

It is believed that the present amendment answers all the issues raised by the Examiner. Reconsideration is hereby requested and an early allowance of all the claims is solicited.

Respectfully Submitted,



Joscelyn G. Cockburn, Reg. No. 27,069
Attorney for Applicants
IBM Corporation
IP Law Dept 9CCA/B002
P.O. Box 12195
Research Triangle Park, NC 27709
Customer Number 25299

Phone: 919-543-9036
FAX: 919-254-2649